IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10769 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAYSHRIBEN BHAGVANDAS PANCHAL & 1 - Petitioner(s)
Versus
GUJARAT STATE WATER SUPPLY AND SUAGE BOARD & 2 - Respondent(s)

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Appearance :

MR JJ YAJNIK for Petitioner(s) : 1,None for Petitioner(s) : None for Petitioner No(s).: for Petitioner(s) : 2,
MR HS MUNSHAW for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 24/01/2007

ORAL JUDGMENT

Learned Advocate appearing for the petitioners is absent as it is reported that he

has filed the Sick Note. On 17th January 2007, while adjourning the matter, this Court observed that as and when the matters are called out Shri Yagnik is remaining absent for one reason or the other. However, in the interest of justice and as a last chance it was adjourned for today. It was also observed that irrespective of the leave note or sick note the matter will be proceeded further. Today, it is reported that again Shri Yagnik is on leave note. Therefore in view of the order dated 17.1.2007 this Court has proceeded further with the matter.

2. By way of this petition under Article 226 of the Constitution of India, the petitioners have prayed for an appropriate writ, order or direction directing the respondent authority to regularise the petitioners in service and to grant them fixed pay with Dearness Allowance, Public Holidays, Optional Leave, Casual Leave and benefit of C.P.F.

3. In view of the fact that the petitioners

are not appointed by following due procedure of selection and in view of catena of judgments of the Hon'ble Supreme Court, no relief in favour of the petitioners can be granted by directing the respondents to regularize the services of the petitioners. Shri HS Munshaw, learned advocate appearing for the respondent has produced on record one Office Order No. 87 of 2002 dated 15.5.2002 by which the employees like the petitioners are given pay-scales, leave etc. Xerox copy of the said order dated 15.5.2002 produced is directed to be taken on record. In view of the above, now, so far as other grievance is concerned, the same would not survive. The present Special Civil Application is, therefore, required to be dismissed and is dismissed. Rule is discharged. No costs.

[M.R. Shah, J.]

rmr.